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Hon. Ann L. Aiken

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**CASCADIA WILDLANDS, THE CENTER  
FOR BIOLOGICAL DIVERSITY, and  
AUDUBON SOCIETY OF PORTLAND,**

Plaintiffs,

v.

**SCOTT TIMBER CO., ROSEBURG  
RESOURCES CO., and RLC INDUSTRIES  
CO.,**

Defendants.

Case No. 6:16-CV-01710-AA

**DEFENDANTS' PRETRIAL  
DISCLOSURES**

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, and the Order adopting the stipulated Scheduling and Case Management Order entered February 15, 2018, Defendants, Scott Timber Co., Roseburg Resources, and RLC Industries Co. ("Defendants") respectfully submits to the Court and provides to Plaintiffs these disclosures, consisting of the following information regarding witnesses and the evidence that Defendants may present at trial.

**I. Rule 26(a)(3)(A)(i)-(ii) – Witnesses**

The following table contains the name and method of contact for each witness whom Defendants expect to present at trial or may call at trial. The table also includes a designation of witnesses whose testimony Plaintiffs expect to present by means of deposition.

<b>Person</b>	<b>Expect / May Call</b>	<b>Presented Live or By Deposition</b>	<b>Contact Information</b>
Joel Thompson, M.S.	Expect	Live	Contact through Defendants' counsel
Leigh Ann Harrod Starceвич, Ph.D.	Expect	Live	Contact through Defendants' counsel
Falk Huettmann, Ph.D.	Expect	Live	Contact through Defendants' counsel
John M. Marzluff, Ph.D.	Expect	Live	Contact through Defendants' counsel
M. Dale Strickland, Ph.D.	Expect	Live	Contact through Defendants' counsel
Scott Folk President Scott Timber Co.	Expect	Live	Contact through Defendants' counsel
Dana Kjos Roseburg Resources Co.	Expect	Live	Contact through Defendants' counsel
Phil Adams Roseburg Resources Co.	Expect	Live	Contact through Defendants' counsel
Gabe Crane Roseburg Resources Co.	May	Live	Contact through Defendants' counsel
Tim Truax Roseburg Resources Co.	May	Live	Contact through Defendants' counsel
Chris Farm Roseburg Resources Co.	May	Live	Contract through Defendants' counsel
Don Persyn Roseburg Resources Co.	May	Live	Contact through Defendants' counsel
Troy Rintz Biologist WEST Inc.	May	Live	Contact through Defendants' counsel

Carisa Stansbury Biologist WEST Inc.	May	Live	Contact through Defendants' counsel
Miles Penk Field Technician WEST Inc.	May	Live	Contact through Defendants' counsel
Nicole Jauregui Field Technician WEST Inc.	May	Live	Contact through Defendants' counsel
Emily Halsell Field Technician WEST Inc.	May	Live	Contact through Defendants' counsel
Ron Moore Field Technician WEST Inc.	May	Live	Contact through Defendants' counsel
Linda Manden Field Technician WEST Inc.	May	Live	Contact through Defendants' counsel
Clark McMahon	May	Live	Contact through Plaintiffs' counsel
Max Beeken	May	Live	Contact through Plaintiffs' counsel

Except for the portions of deposition testimony previously filed with the Court in this matter, Defendants do not at this time anticipate offering deposition testimony other than for cross examination and impeachment purposes. However, Defendants reserve the right to supplement these disclosures and designate deposition testimony if it appears necessary based on Plaintiffs' disclosures. Further, because the parties have agreed to consolidate *Daubert* objections with a trial on the merits, Defendants reserve the right to designate and/or offer portions of deposition transcripts for the purposes of *Daubert* objections. Currently, the parties do not possess all the expert deposition transcripts because they are currently being prepared by the court reporter.

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**III. Rule 26(a)(3)(A)(iii) – Exhibits**

**A.** The following table identifies pre-marked exhibits that have been submitted to the Court in previous filings, or were pre-marked when exchanged with expert disclosures, and which Defendants reserve the right to offer for further use at trial.<sup>1</sup>

<b>Exhibit No.</b>	<b>Expect/May Offer</b>	<b>Description</b>	<b>Source in Record</b>
Exhibit 101 (open)			
Exhibit 102	Expect	Map of Marbled Murrelet Survey Stations in Benson Ridge	Declaration of Joel L. Thompson, Dkt. 18-3
Exhibit 103	Expect	Map of Marbled Murrelet Survey Stations in Benson Ridge	Declaration of Joel L. Thompson, Dkt. 18-3
Exhibit 104	Expect	Map of Benson Ridge Showing Detection Locations	Declaration of Joel L. Thompson, Dkt. 18-3
Exhibit 105	Expect	Map Showing Stand Ages in Elliott State Forest	Declaration of Joel L. Thompson, Dkt. 18-3
Exhibit 106	May	Original Notice Letter from Plaintiffs, Dated March 13, 2014	Declaration of Scott Folk, Dkt. 18-2
Exhibit 107	May	Letter from Cascadia Forest Defenders, Dated March 20, 2014	Declaration of Scott Folk, Dkt. 18-2
Exhibit 108	May	Letter from Plaintiffs Threatening Suit and Alleging Detections, Dated June 3, 2014	Declaration of Scott Folk, Dkt. 18-2
Exhibit 109	May	2014 Survey Data from Max Beeken	Declaration of Scott Folk, Dkt. 18-2

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<sup>1</sup> Exhibit numbers designated as “open” are exhibits that have been previously marked and filed with the Court, as part of pretrial motions, but Defendants do not plan to offer at trial.

Exhibit 110	May	Letter to Plaintiffs from Defendants, Dated June 3, 2014.	Declaration of Scott Folk, Dkt. 18-2
Exhibit 111 (open)			
Exhibit 112	May	Minutes from Meeting with State Land Board, Dated December 10, 2013	Declaration of Christopher T. Griffith, Dkt. 18-1
Exhibit 113	May	Resolution and Order of State Land Boards, Dated August 13, 2015	Declaration of Christopher T. Griffith, Dkt. 18-1
Exhibit 114	May	Excerpts from Twenty-Fifth Annual Report of the State Forester to the Governor, for year ending December 31, 1935	Declaration of Christopher T. Griffith, Dkt. 18-1
Exhibit 115	Expect	Excerpts from 2011 Elliot State Forest Management Plan	Declaration of Christopher T. Griffith, Dkt. 18-1
Exhibit 116	Expect	Comments Submitted by Coast Range Forest Watch Regarding Elliot State Forest Alternatives Project	Declaration of Christopher T. Griffith, Dkt. 18-1
Exhibit 117	Expect	CV of Dr. Leigh Ann Harrod Starceovich	Expert Disclosures
Exhibit 118	Expect	CV of Dr. John M. Marzluff	Expert Disclosures
Exhibit 119	Expect	CV of Dr. Falk Huettmann	Expert Disclosures
Exhibit 120	Expect	CV of Dr. M. Dale Strickland	Expert Disclosures
Exhibit 121	Expect	Examples of Nest Sites Found at Clayoquot Sound 2001-2002	Expert Disclosures
Exhibit 122	Expect	Examples of Nest Sites Found at Desolation Sound 1999-2001	Expert Disclosures

Exhibit 123	Expect	Study; Influence of Stand Structure, Proximity to Human Activity, and Forest Fragmentation on the Risk of Predation to Nests of Marbled Murrelets on the Olympic Peninsula	Expert Disclosures
Exhibit 124	Expect	CV of Joel L. Thompson	Expert Disclosures
Exhibit 125	Expect	2015 Audio-Visual Survey Results from Benson Ridge	Expert Disclosures
Exhibit 126	Expect	2015 Marbled Murrelet Survey Results from Benson Ridge	Expert Disclosures
Exhibit 127	Expect	2016 Audio-Visual Survey Results from Benson Ridge	Expert Disclosures
Exhibit 128	Expect	2016 Marbled Murrelet Survey Results from Benson Ridge	Expert Disclosures
Exhibit 129	Expect	Letter from Dr. Paul Henson to Scott Timber, Dated October 12, 2016	Second Declaration of Scott Folk, Dkt. 59-2
Exhibit 130	Expect	Email from Dr. Paul Henson to Scott Folk, Dated October 27, 2016	Second Declaration of Scott Folk, Dkt. 59-2
Exhibit 131	May	Petition to Initiate Rulemaking and Identify Resource Sites to Establish Inventory and Protect Existing Marbled Murrelet Sites	Declaration of Dominic M. Carollo, Dkt. 59-1

Exhibit 132	May	Petition to Uplist Marbled Murrelet from Threatened to Endangered Under Oregon's Endangered Species Act	Declaration of Dominic M. Carollo, Dkt. 59-1
Exhibit 133	May	Bargain and Sale Deed Conveying Benson Ridge to Scott Timber Co.	Declaration of Dominic M. Carollo, Dkt. 59-1
Exhibit 134	May	Supplemental Notice Letter from Plaintiffs, Dated February 12, 2018	Declaration of Dominic M. Carollo, Dkt. 59-1
Exhibit 135	May	Excerpts from the Deposition Transcript of Max Beeken, Dated April 20, 2018	Second Declaration of Dominic M. Carollo, Dkt. 67
Exhibit 136	May	Excerpts from the Deposition Transcript of Rosemary Francis Eatherington, Dated April 20, 2018	Second Declaration of Dominic M. Carollo, Dkt. 67
Exhibit 137	May	Oregon Department of Forestry Map Showing Portion of Elliot State Forest	Second Declaration of Dominic M. Carollo, Dkt. 67
Exhibit 138	May	Excerpts from the Deposition Transcript of Clark McMahon, Dated April 20, 2018	Third Declaration of Dominic M. Carollo, Dkt. 76-1

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**B.** The following table identifies additional exhibits that Defendants reserve the right to offer at trial.

<b>Exhibit No.</b>		<b>Description</b>	<b>Source in Record</b>
Exhibit 139	May	2015 Photos from Survey Stations BR1 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 140	May	2015 Photos from Survey Stations BR6 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 141	May	2015 Photos from Survey Stations BR7 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 142	Expect	2015 Photos from Survey Stations BR8 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 143	May	2015 Photos from Survey Stations BR9 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 144	May	2015 Photos from Survey Stations BR10 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 145	May	2015 Photos from Survey Stations BR17 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 146	May	2015 Photos from Survey Stations BR20 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 147	May	2015 Photos from Survey Station BR13 in Benson Ridge Southeast	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 148	May	2015 Photos from Survey Station BR15 in Benson Ridge Southeast	Defendants' Response to Plaintiffs' First Request for Production



Exhibit 149	May	2015 Photos from Survey Station BR19 in Benson Ridge Southeast	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 150	May	2015 Photos from Survey Station BR21 in Benson Ridge Southeast	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 151	May	2015 Photos from Survey Station BR22 in Benson Ridge Southeast	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 152	Expect	2015 Photos from Survey Station BR23 in Benson Ridge Southeast	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 153	May	2015 Photos from Survey Station BR2 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 154	May	2015 Photos from Survey Station BR3 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 155	May	2015 Photos from Survey Station BR4 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 156	May	2015 Photos from Survey Station BR14 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 157	May	2015 Photos from Survey Station BR15 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 158	May	2015 Photos from Survey Station BR16 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 159	May	2015 Photos from Survey Station BR18 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production

Exhibit 160	May	2015 Photos from Survey Station BR24 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 161	May	2015 Photos from Survey Station BR27 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 162	May	2015 Photos from Survey Station BR28 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 163	May	2016 Photos from Survey Station BR6 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 164	May	2016 Photos from Survey Station BR10 in Benson Ridge Central	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 165	May	2016 Photos from Survey Station BR2 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 166	May	2016 Photos from Survey Station BR3 in Benson Ridge North	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 167	Expect	2016 Photos from Survey Station BR11 in Benson Ridge West	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 168	Expect	2016 Photos from Survey Station BR12 in Benson Ridge West	Defendants' Response to Plaintiffs' First Request for Production
Exhibit 169	Expect	5-Mile Radius Murrelet Detection Map no. 1 (CONFIDENTIAL)	Expert disclosures (Dr. Huettmann)
Exhibit 170	Expect	5-Mile Radius Murrelet Detection Map no. 2 (CONFIDENTIAL)	Expert disclosures (Dr. Huettmann)

Exhibit 171	Expect	5-Mile Radius Murrelet Detection Map no. 3 (CONFIDENTIAL)	Expert disclosures (Dr. Huettmann)
Exhibit 172	Expect	Benson Tract Topo Map	STC 000359
Exhibit 173	Expect	Benson Tract Vicinity Map	STC 000366
Exhibit 174	Expect	Photos of Replanted Forests on Roseburg Resources Co. Properties	STC 001961-64
Exhibit 175	Expect	Photos of Roseburg Resources Co. Cleanup of Illegal Dumping	July 5, 2018 supplemental production
Exhibit 176	Expect	Photos and Maps of BR8 Survey Station Location Prepared by Roseburg Resources Co.	STC 002061-64
Exhibit 177	Expect	Surveyor Report with Photos of BR23 Sub-Canopy Detections (2016)	STC 002052-60
Exhibit 178	Expect	Survey Report with Photo of BR12 Sub-Canopy Detection (2016)	Supplemental production
Exhibit 179	Expect	Evans, Mack et al. (2003)	Expert Disclosures
Exhibit 180	Expect	Falxa and Raphael (2016)	Expert Disclosures
Exhibit 181	Expect	Golightly and Gabriel (2009)	Expert Disclosures
Exhibit 182	Expect	Hebert and Golightly (2006)	Expert Disclosures
Exhibit 183	May	Meyer et al. (2004)	Supplemental production
Exhibit 184	May	ODFW (2018)	Expert Disclosures
Exhibit 185	May	Ralph and Nelson (1992)	Expert Disclosures
Exhibit 186	May	Ralph (2002)	Exhibit at Deposition of Dr. Falxa
Exhibit 187	Expect	Raphael et al. (2018)	Expert Disclosures

Exhibit 188	Expect	Zharikov et al. (2006)	Expert Disclosures
Exhibit 189	May	Zharikov et al. (2007)	Expert Disclosures
Exhibit 190	May	Nelson and Wilson (2002)	Expert Disclosures
Exhibit 191	Expect	Pearson et al. (2018)	Expert Disclosures
Exhibit 192	Expect	2018 Video of BR8 Survey Station	Supplemental production
Exhibit 193	Expect	Satellite Image / Map of Benson Ridge Area no. 1 (2018)	Expert Disclosures (Dr. Lank)
Exhibit 194	Expect	Satellite Image / Map of Benson Ridge Area no. 2 (2018)	Expert Disclosures (Dr. Lank)
Exhibit 195	Expect	Satellite Image / Map of Benson Ridge Area no. 3 (2018)	Expert Disclosures (Dr. Lank)
Exhibit 196	Expect	Maps Referenced During Depositions of Dr. Golightly	Exhibit at Deposition of Dr. Golightly
Exhibit 197	Expect	ODF Map of Elliott State Forest (2004)	Supplemental Disclosure
Exhibit 198	Expect	DOI Guidance / Directive on Incidental Take Permits under ESA	Supplemental Disclosure
Exhibit 199	Expect	Study of Survey Techniques (2001)	Expert Disclosures
Exhibit 200	Expect	Study of Effects of Forest Fragmentation on Nest Predation (1999)	Expert Disclosures
Exhibit 201	Expect	Photograph / Figure no. 1 from Thompson Supplemental Expert Disclosure	Supplemental Disclosure

Exhibit 202	Expect	Photograph / Figure no. 2 from Thompson Supplemental Expert Disclosure	Supplemental Disclosure
Exhibit 203	Expect	Photograph / Figure no. 3 from Thompson Supplemental Expert Disclosure	Supplemental Disclosure
Exhibit 204	Expect	Photograph / Figure no. 4 from Thompson Supplemental Expert Disclosure	Supplemental Disclosure
Exhibit 205	Expect	Photograph / Figure no. 5 from Thompson Supplemental Expert Disclosure	Supplemental Disclosure
Exhibit 206	Expect	Stauffer, Ralph, & Miller (2002)	Exhibit at Deposition of Dr. Falxa
Exhibit 207	Expect	Peer Reviewer Comments on Draft Status Report	Exhibit at Deposition of Dr. Falxa
Exhibit 208	Expect	PSG's Letter to President Obama re: Elevating Murrelet ESA Status	Exhibit at Deposition of Dr. Falxa

In addition to the pre-marked exhibits above, which are being mailed to the court on an electronic hard drive (“thumb drive”), Defendants reserve the right to offer any of the following documents, or categories of documents, if the need arises:

1. Any exhibits or other documents filed by Plaintiffs in this case.
2. Any document produced or disclosed by Plaintiffs in this case, including in expert disclosures.
3. Any document produced or disclosed by Defendants in this case.

4. Marbled Murrelet survey data forms maintained by WEST, Inc. and produced by Defendants in this case.

5. Any scientific report, study or other data or information disclosed with, or referenced in, the parties' expert disclosures (including any supplements thereto).

6. Any exhibit listed by Plaintiffs.

7. Any exhibit marked at any of the parties' depositions.

8. Any newly discovered evidence or information.

**DATED** this 13th day of July, 2018.

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## CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2018, I served the foregoing **DEFENDANTS'**

**PRETRIAL DISCLOSURES**, through the Court's Electronic Case Filing system on:

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